

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

BOYSIN RALPH LORICK,
CYNTHIA THERESA LORICK,

Debtors.

Chapter 11
Case No. 1-16-45645-nhl

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ORDER TO SHOW CAUSE SCHEDULING HEARING FOR ENTRY OF AN ORDER (I) DECLARING DEBTORS IN DEFAULT OF THE SALE CONFIRMATION ORDER, MEMORANDUM OF SALE BETWEEN THE DEBTORS, AS SELLER, AND SOLEYMAN GHALCHI, AS SUCCESSFUL PURCHASER, OF REAL PROPERTY LOCATED AT 3126 CONEY ISLAND AVENUE, BROOKLYN, NEW YORK, AND TERMS AND CONDITIONS OF SALE; AND (II) ORDERING ORTIZ & ORTIZ L.L.P. TO RETURN GHALCHI'S DEPOSIT; OR, ALTERNATIVELY, (III) FURTHER EXTENDING THE TIME TO CLOSE FROM NOVEMBER 10, 2017 TO NOVEMBER 17, 2017; AND (IV) STAYING GHALCHI'S OBLIGATION TO PAY INTEREST AND REAL ESTATE TAXES, *NUNC PRO TUNC* TO OCTOBER 10, 2017, AND FOR RELATED RELIEF

UPON the Application by Soleyman Ghalchi ("Ghalchi"), the Successful Purchaser at the Auction Sale of the real property located at 3126 Coney Island Avenue, Brooklyn, New York (the "Real Property"), owned by Boysin Ralph Lorick and Cynthia Theresa Lorick (collectively, the "Debtors"), by his attorneys, Certilman Balin Adler & Hyman, LLP, for an order to show cause pursuant to §§ 105(a) and 363 of title 11 of the United States Code ("Bankruptcy Code") and Rule 9013 of the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules") (i) declaring the Debtors to be in default of the Order Approving the Sale of Real Property "As Is" and "Where Is", Free and Clear of all Liens, Claims and Encumbrances, and Granting Related Relief, dated September 8, 2017 ("Sale Confirmation Order") [Dkt. No. 95], the Memorandum of Sale by and between the Debtors, as Seller, and Soleyman Ghalchi, as Successful Purchaser, and the Terms and Conditions of Sale, for failing to transfer insurable title to the Property at the Closing scheduled for November

7, 2017, at 3:00 p.m.; and (ii) directing Ortiz & Ortiz L.L.P. (“Ortiz”), as Deposit Agent, to return Ghalchi’s deposit; or, alternatively (iii) further extending the time to close from November 10, 2107 to November 17, 2017; and (iv) staying, *nunc pro tunc* to October 11, 2017, Ghalchi’s obligation to pay interest and real estate taxes pursuant to paragraph 13 of the Terms and Conditions of Sale; and (v) granting such other, further and related relief as is just, proper and equitable (the “Application”); and the affirmation of Richard J. McCord, Esq. in support of the Application and all exhibits thereto; and after due consideration, it is hereby

ORDERED, that Boysin Ralph Lorick and Cynthia Theresa Lorick show cause before the Honorable Nancy Hershey Lord, United States Bankruptcy Judge, at the United States Bankruptcy Court for the Eastern District of New York, located at 271-C Cadman Plaza East, Brooklyn, New York 11201 in Room 3577 on **November 13, 2017, at 3:30 p.m.** (the “Hearing”), or as soon thereafter as counsel can be heard, for the entry of an Order, pursuant to Sections 105(a) and 363 of the Bankruptcy Code and Bankruptcy Rule 9013, (i) declaring the Debtors to be in default of the Sale Confirmation Order, the Memorandum of Sale by and between the Debtors, as Seller, and Soleyman Ghalchi, as Successful Purchaser, and the Terms and Conditions of Sale, for failing to transfer insurable title to the Property at the Closing scheduled for November 7, 2017; and (ii) directing Ortiz to return Ghalchi’s deposit; or, alternatively, (iii) further extending the time to close from November 10, 2107 to November 17, 2017; and (iv) staying, *nunc pro tunc* to October 11, 2017, Ghalchi’s obligation to pay interest and real estate taxes pursuant to paragraph 13 of the Terms and Conditions of Sale; and (v) granting such other, further and related relief a is just, proper and equitable; and it is further

ORDERED, that the deadline for the Closing is extended from November 10, 2017 to and including the date of the Hearing, ~~without prejudice to Ghalchi’s reservation of rights under the~~

~~terms, conditions and provisions of the Sale Confirmation Order, the Bidding Procedures Order, the Bidding Procedures, the Memorandum of Sale and the Terms and Conditions of Sale, as set forth in the record of the closing made on November 7, 2017, a copy of which is annexed to the Application as Exhibit E; and it is further~~

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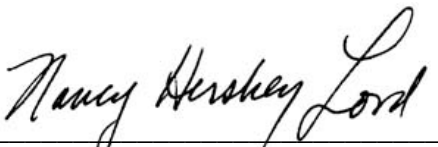
ORDERED, that service of a copy of this Order to Show Cause and the supporting papers, by electronic mail or facsimile transmission, to (1) the Debtors; (2) Ortiz & Ortiz L.L.P.; (3) Karamvir Dahiya, Esq.; (4) counsel to Mortgagee Wells Fargo; (6) counsel to the Receiver Douglas Rosenberg; (7) Jack Geula; and (8) the Office of the U.S. Trustee, by November 9, 2017, shall be adequate and sufficient notice of the Application and the Hearing; and it is further

ORDERED, that counsel to Ghalchi shall file an affidavit showing compliance with the above service requirements; and it is further

ORDERED, that objections, if any, to the relief requested in the Application may be raised at the Hearing.

**Dated: November 8, 2017
Brooklyn, New York**




**Nancy Hershey Lord
United States Bankruptcy Judge**